

inordinate amounts of time and effort fighting lawsuits. This has caused months and sometimes years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I will offer an amendment to title I of the bill, if and when it is presented to the Senate, which contains several modifications to the committee bill. This amendment embodies recommendations made by a bipartisan group of Senators who are committed to getting this legislation passed and signed by the President.

The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. It contains new language protecting old-growth stands. It encourages the courts to expedite the judicial review process.

The committee bill authorizes grant programs to encourage utilization of certain forest waste material. It provides financial and technical assistance to private forest land owners to encourage better management techniques to protect water quality.

It also authorizes funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, promote, and conduct the gathering of information about insects that have caused severe damage to forest ecosystems. Also included in the bill is the Healthy Forest Reserve Program, which is a private forest land conservation initiative to support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and, at the same time, provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other title will promote investment in forest-resource-dependent communities.

In essence, this legislation will provide new legal authority to help us manage the Nation's forests in a safer and more effective manner.

I urge the Senate to support this bill.

Madam President, I yield the remainder of the time allocated to me under the order to the distinguished Senator from Pennsylvania. Mr. SANTORUM.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, parliamentary inquiry: I believe the minority has 9 minutes left. I would like to respond to the remarks of the distinguished chairman of the Agriculture Committee.

I ask the Senator from Pennsylvania, would that be acceptable?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, parliamentary inquiry: How much time is left on both sides?

The PRESIDING OFFICER. There are 7 minutes remaining on the Republican side; 9 minutes remaining on the Democrat side.

Mr. SANTORUM. Fine. If there is time remaining, I am happy to let the Senator stay on this subject.

Mr. WYDEN. I thank my friend from Pennsylvania and, Madam President, ask to be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Madam President.

First, I express my appreciation to the distinguished chairman of the committee. I think he knows I agree with so much of what he just previously said.

I want to emphasize, on this side of the aisle we believe there are 60 votes to move forward on this legislation. We want to work constructively to get this done. The minority leader, Senator DASCHLE, has emphasized again and again how important it is to move forward with this legislation. We do want to address the concerns of the Members. We know a lot of Senators feel strongly about this issue. But it is absolutely imperative—absolutely imperative—Madam President and colleagues, that this bill get out of the Senate this year. That is my goal. I am going to put every ounce of my energy and strength into it.

The reason I think the Senate ought to move forward with this legislation is the bipartisan compromise that has been discussed by the chairman of the committee steers, in my view, a narrow path through 20 million acres of highly vulnerable forest land that lies close to highly vulnerable communities and their drinking water sources.

I have already outlined this morning the five or six major ways in which this compromise differs from what has been considered in the House of Representatives.

For example, under this legislation that has been crafted in a bipartisan way by a group of nine Senators, we have authorized an increase of 80 percent in funding for thinning projects. There has been tremendous concern all across the country that without adequate funding for thinning projects, the only people who would have the resources to do the work would be the large commercial logging companies. In our discussions among Senators, we said: There is a better way to proceed.

That is why we came up with a funding proposal that sends a responsible message all across the country that this is not some sort of giveaway to big timber companies; this is something that represents responsible forestry. On provision after provision with respect to this compromise, we see those kinds of efforts to ensure that we strike a responsible balance.

We have to make sure we protect our rural communities. The House legislation doesn't do that. The Senate compromise directs 50 percent of the funding to be spent inside the wildland and urban interface; the House bill is silent with respect to those funds. Again, we see an effort on the part of Senator COCHRAN, chairman of the committee, and the nine Senators who worked together on this legislation, to strike a reasonable compromise.

The old-growth provisions are the first statutory protection ever for these trees that the American people feel so strongly about. There is a concrete incentive to get the old-growth protection in place. Under something for which I commend the chairman that is genuinely creative, we stipulate that the old forest plans actually have to be revised to protect the old growth in order for the thinning work to be done. So we have something which strikes a genuine balance, and it is done in a creative way.

I said earlier that forestry issues are about as contentious as Middle Eastern politics. It is very difficult to find the common ground. We have done that in this area. This compromise ensures that the public will be involved in every single aspect of the debate with respect to forestry. That is something on which Senator FEINSTEIN and I insisted. We have worked on this legislation for many months with Senator DOMENICI, chairman of the Energy and Natural Resources Committee. I hope we will move quickly and do it in a fashion that addresses the concerns of all Senators.

There have been a number who have come to Chairman COCHRAN and me with ideas and suggestions. We want to hear from them. But we want this bill passed this year by the Senate. Senator DASCHLE has communicated that again and again and has been extremely constructive. Nobody is interested in an obstructionist kind of approach. This has to get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### JUDICIARY OBSTRUCTIONISM

Mr. SANTORUM. Madam President, I have taken the floor to talk about obstructionism of the other side of the aisle with respect to judges. That has been a main point of contention on my part, that it is something that is doing damage to our judiciary and to the Senate.

Today I want to talk about another aspect of that obstructionism. That is the tone and substance of the debate occurring on judges that are being put up, particularly for the circuit court.

Yesterday we experienced something in the Judiciary Committee that I find beneath the dignity of the Senate and raises serious concerns about how we are going to attract good people to put their names before the Senate for confirmation to judicial office. I have behind me a copy from a Web site that

displayed this cartoon that was the topic of discussion at yesterday's Judiciary Committee hearing on the supreme court justice of California, Janice Rogers Brown.

She had a hearing yesterday before the committee and was greeted with this cartoon that was displayed on a Web site. The Web site of blackcommentator.com. The cartoon has President Bush and Justice Rogers Brown walking into a room and the President is saying:

Welcome to the Federal bench, Ms. Clarence—I mean Ms. Rogers Brown, you'll fit right in.

And then in the background are Justice Thomas, Colin Powell, and Condoleezza Rice. The bottom says:

News item: Bush nominates Clarence-like conservative to the bench.

On the Web site, it says:

This cartoon can be found in the following commentary: A female Clarence Thomas for the DC Federal Court? A statement by People for the American Way and the NAACP.

I don't know from this Web site and I don't know from any other commentary I have seen what the relationship between this cartoon is and the People for the American Way and the NAACP, but I think it behooves both of those organizations to clarify their position on this cartoon which can be found in the following commentary by these two organizations.

The stereotyping that goes on in this cartoon and the blatant racism that is displayed is overwhelming. To look at the depiction of Justice Brown, the picture speaks for itself.

Let me show you a picture of what Justice Brown looks like. I would suggest the cartoon does not at all comport with what Justice Brown looks like. It is a purely slanderous depiction, stereotyping at its worst. That is the tone and substance of the debate we have now degraded ourselves into as a result of the obstructionism that is occurring for extreme political purposes in the Senate.

Justice Brown was asked about this at her hearing yesterday. I quote what she said:

The first thing that happened was I talked to my judicial assistant yesterday. Her voice sounded very strange, and I said to her, "What's wrong? What's happening?"

And I realized she sounded strange, because she was choking back tears. When I asked her what was wrong, she really started to cry. She's a very composed, very calm woman. And she started to cry.

And she said, "Oh judge, these horrible things—you haven't seen what they've done."

I, of course, was not there to comfort her. I've been here meeting with anybody who would meet with me.

But while I've been having those meetings, people have said to me: "Well, you know, it's not personal, it's just politics, it's not personal."

And I just want to say to you that it is personal, it's very personal—to the nominees, and to the people who care about them.

She speaks not only for herself but she speaks to the hatchet job being done on Attorney General Pryor, being

done to Judge Pickering, that was done to Miguel Estrada, is in the process of being done to Carolyn Kuhl and God knows how many more nominees who are being slandered and dragged through the mud, people of stellar reputations, a supreme court justice in California, reelected with 76 percent of the vote, a stellar educational record, and she is being treated in such a demeaning and degrading fashion.

We had the attorney general of the State of Alabama who was questioned on his deeply held beliefs because he happens to be a conservative Catholic. Where are we going, folks? What are we turning this process into, that we will demean and degrade and tear down people for some extreme ideological agenda who have served this country, served their States, served their communities?

This is wrong. We should stop this.

If we don't stop it, it will go on and it will expand and grow like a cancer. That side is doing it now. If they keep it up, one day we may be doing it to them because, of course, we have to get them back for what they did to us. This is wrong. It has never been done before.

Stop this insanity of degrading people, of coarsening the debate, of creating a chilling effect on those who would like to be Federal judges. It is wrong and it must stop now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, my understanding is that on the Democratic side we have 4½ minutes remaining; is that right?

The PRESIDING OFFICER. That is right.

Mr. REID. Madam President, I say to my friend from Pennsylvania, I don't understand what he is talking about, "the degradation." That may be something I am not aware of relative to judicial nominees.

I don't know the exact count, but I do know that during this President's tenure of office we have approved 174 judges or thereabout. We have only had problems with three of them. It seems to me that is a pretty good record.

We have worked hard to approve the President's judges. They have not all been people we would have selected if we had a Democratic President. But we have a Republican President; we have recognized that he has the ability to choose those nominees he believes are appropriate. As a result of that, we have given him nearly carte blanche to send us judges. Three have not been approved.

So the record of 173 sounds like a pretty good record. I hope we will let the certainty of the process go forward. It seems to me it is a pretty good process that has worked for more than 200 years. President Bush is getting virtually every one of his nominees. I don't think it would be a good system if we simply said you can have whoever you want. We have a duty to advise and

consent the President on his nominations.

I yield the time left under the Democrat control to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

#### HEALTHY FORESTS

Mr. BINGAMAN. Madam President, in response to the comments the Senator from Idaho made earlier this morning on the Healthy Forests legislation, the history of that legislation is that the bill did get referred to the Agriculture Committee. I thought that was a mistake, since the Energy and Natural Resources Committee has always had primary jurisdiction over most of the issues dealt with in that bill. But a bill was reported out of that committee.

Following that, a group of Senators—the Senator from Idaho included—got together on a bipartisan basis to develop their own alternative, or their own proposal. That is what is intended to be brought to the Senate floor. My staff, the staff of the Democratic side of the Energy and Natural Resources Committee, was not included in those negotiations. I complained about that. They were told they could observe but not participate in a meaningful way. They did that to some extent.

I believe it is important that we have a full opportunity for amendment to this bill. I do not object to the bill coming up. I do not object to us proceeding with an agreement to limit what we do to the amendments related to that bill. I think that would be an appropriate way to proceed. It is an important issue. We ought to deal with it before Congress adjourns this fall.

I will have several amendments. I think there are problems with the bill as I understand it. I also have a great many questions I would like to have answers to about the meaning of some of the language in the bill. Those are legitimate issues. I believe we can have a full and fair debate and a full and fair opportunity for Senators to offer amendments.

I know the assistant Democratic leader, Senator REID, did suggest we proceed to bring the bill up. There would be no objection to that. Certainly, I think that would be an appropriate way to proceed. With that, I appreciate the chance to explain my own point of view and position.

I yield the floor.

#### COSPONSORSHIP—S. 877

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I request unanimous consent to add the Senator from Illinois, Mr. FITZGERALD, as a cosponsor of S. 877, the CAN SPAM Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada is recognized.